IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

WEDNESDAY, THE 4TH OCTOBER 2006 / 12TH ASWINA 1928

OP.No. 11155 of 2003(C)

PETITIONER:
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1. **BINOY KURIAKOSE, AGED 27 YEARS, AREETHADATHIL MANNATHUR, THIRUMARADI VILLAGE, KOOTHATTUKULAM.**

2. **P.U.BABY, AGED 49 YEARS, S/O.ULAHANNAN, PUTHUPALAYIL, KARIMPANA P.O., PALAKKUZHA VILLAGE, KOOTHATTUKULAM.**

BY ADV. SRI.A.P.SUBHASH

RESPONDENTS:
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1. **STATE OF KERALA REP.BY SECRETARY TO GOVERNMENT (TAXES) SECRETARIATE, THIRUVANANTHAPURAM.**

2. **DISTRICT COLLECTOR, ERNAKULAM, CIVIL STATION, KAKKANADU.**

3. **DEPUTY TAHSILDAR (RR) MUVATTUPUZHA.**

4. **VILLAGE OFFICER, THIRUMARADI VILLAGE.**

5. **VILLAGE OFFICER, PALAKKUZHA VILLAGE.**

BY GOVERNMENT PLEADER SRI.GEORGEKUTTY MATHEW

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 04/10/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER ON CMP. NO.19155/2003 IN OP. NO. 111552003

DISMISSED

4.10.2006 **SD/- C.N.RAMACHANDRAN NAIR, JUDGE**

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1:- COPY OF THE NOTICE NO.B4/32745/98 DT.28.9.99 ISSUED TO THE PETITIONERS.

EXT.P2:- COPY OF THE REPLY DT.18.2.2000 SUBMITTED BY THE PETITIONERS.

EXT.P2(a):- COPY OF THE REPLY DT.18.2.2000 SUBMITTED BY THE PETITIONER.

EXT.P3:- COPY OF THE NOTICE RECEIVED BY THE PETITIONER NO.1.

EXT.P3(a):- COPY OF THE NOTICE RECEIVED BY THE PETITIONER NO.1.

E.XT.P4:- COPY OF THE NOTICE RECEIVED BY THE 2ND PETITIONER.

EXT.P4(a):- COPY OF THE NOTICE RECEIVED BY THE PETITIONER NO.2.

EXT.P5:- COPY OF THE REPRESENTATION DT.18.3.03.

EXT.P6:- COPY OF THE PROCLAMATION NOTICE DT.11.1.01 ISSUED BY THE SENIOR INSPECTOR OF CS, ARBITRATOR-CUM SPECIAL SALE OFFICER.

EXT.P7:- COPY OF THE ATTACHMENT NOTICE DT.31.7.03 ISSUED BY THE TAHSILDAR MUVATTUPUZHA TO THE PETITIONER.

/TRUE COPY/

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C.N.RAMACHANDRAN NAIR,J.

O.P.NO. 11155 OF 2003

Dated this the 4th day of October, 2006

JUDGMENT

Since petitioner executed bond for release of the defaulter, who was arrested for recovery of arrears of tax, petitioner is bound to make payment under the bond. Since default is admitted, recovery against the petitioner is perfectly in order. O.P. is devoid of any merit and is dismissed.

(C.N.RAMACHANDRAN NAIR)
Judge